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7 Attorneys for Creditors
Bank of America, N.A., Dorothy R.
8 Wurlitzer and Lindsay P. Wurlitzer as
Co-Trustees of the Raymond B.
9 Wurlitzer Revocable Inter Vivos Trust
dated January 29, 1981

10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 JAMES JOHN KENNEDY,
14 Debtor.

Chapter 13

Case No. 11-49863 EDJ 13

15 LIMITED
16 STIPULATION FOR RELIEF FROM THE
AUTOMATIC STAY

17 James John Kennedy, Debtor ("Debtor"), and Bank of America, N.A., Dorothy R.
18 Wurlitzer, and Lindsay P. Wurlitzer, as Co-Trustees of the Raimund B. Wurlitzer Revocable Inter
19 Vivos Trust, dated January 29, 1981, as amended (collectively, the "Trust"), by and through their
20 attorneys of record, hereby stipulate as follows:

21 RECITALS

22 A. Debtor filed his Chapter 13 bankruptcy case on September 13, 2011.

23 B. Prior to the filing of Debtor's bankruptcy case the Trust filed an action in the
24 Superior Court, County of San Mateo, Case Number CLJ 204490 for unlawful detainer against
25 Debtor, Louis Alois Toth, Jr. ("Toth") and Home Haven, LLC ("Home Haven") relating to the
26 premises located at 1444 Burlingame Avenue, Burlingame, California (the "Action").
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1 C. A default judgment was entered by the clerk of the Superior Court against Debtor,
2 Toth and Home Haven in the Action on September 13, 2011 (the "Default Judgment").

3 D. It is unclear whether the entry of the Default Judgment was made before or after
4 the filing of the Debtor's bankruptcy case.

5 E. In order to avoid litigation over the timing of the entry of the Default Judgment,
6 the Trust is willing to request that the Superior Court vacate the Default Judgment entered against
7 the Debtor only (and not Toth or Home Haven) and the Debtor is willing to stipulate to relief
8 from the automatic stay to permit the Trust to do so. ^{limited}
^{solely} *OS*

9 **STIPULATION**

10 Based upon the above recitals the parties hereby stipulate that the automatic stay set forth
11 under Bankruptcy Code Section 362 be terminated ^{for the limited purpose} to permit the Trust to take such actions in the
12 Action to request that the Superior Court vacate the Default Judgment as it relates to the Debtor
13 only (and not as it relates to Toth or Home Haven). *OS*

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15 Dated: October 7, 2011

CARR, McCLELLAN, INGERSOLL, THOMPSON
& HORN
Professional Law Corporation

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17 By: *Jennifer C. Johnson*

Jennifer C. Johnson
Attorneys for Creditors,
Bank of America, N.A., Dorothy R. Wurlitzer
and Lindsay P. Wurlitzer as Co-Trustees of the
Raimund B. Wurlitzer Revocable Inter Vivos
Trust dated January 29, 1981

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22 Dated: October 6, 2011

LAW OFFICES OF PATRICK L. FORTE

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24 By: *AS AMENDED* *OS*

Anne Shiao
Attorneys for Debtor
JAMES JOHN KENNEDY

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28 LAW OFFICES OF PATRICK
L. FORTE